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2014 OCT 15 AM 10:24

IN THE DISTRICT COURT OF THE  
UNITED STATES FOR SOUTH CAROLINA  
GREENVILLE DIVISION

Robert Graham, Jr. (178039), CIV  
Plaintiff } 6:14-3518-TMC  
KFM

v. s.  
STATE OF South Carolina  
ET AL.  
(DEFENDENTS)

Notice and  
Motion by  
order of the  
Court for  
Habeas.

The Plaintiff hereby moves upon  
this honorable Court pursuant  
to the report of Magistrate  
Judge.

For a writ of post-conviction  
proceedings pursuant to...

Telferson v. Upton 130 S.Ct.  
2277 (2010) emphasis added.

See exhibits, declarations,  
affidavits, in-surrept,  
note, causes of action 1-9

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The plaintiff filed this action for the enforcement of his guaranteed secured right to exhaust calls post trial, pre trial, and per issues, that defendant's appointed attorneys [failed] to [timely] adequately raise in plaintiff original supplemental amended complaint.

The magistrates report outlines prima-facially in his report, clearly, that plaintiff action is constructed against the state it's agents, e.g., for denying full-bellied appeal.

See pg - 3, plaintiff appended seventy pages of affidavits and exhibits in his amended complaint, in support of all claims.

under odors, austine, wilson.

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The [imply] plaintiff seeks...  
 for redress before this court...  
 is an order for preliminary  
 injunction to be heard ei-  
 ther in Florence County, or  
 the district court, and adjudicated  
 all his unexhausted claims  
 not previously exhausted.

This order should reflect the  
 standards Townsend v. Sarin  
 93 S.Ct. (1963). Because, the  
 record reflects, based upon  
 the three declarations  
 submitted by plaintiff.

He was not afforded a full  
 and fair hearing by state  
 court resulting in [reliable]  
 findings" the district court  
 "ordinarily should... accept  
 the facts as found, if he  
 didn't receive fair impartial  
 hearing... it shouldn't.

see, causes of actions 1-9

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plaintiff claims rest solely that either at the time of trial or in collateral proceedings, the new claims were not raised, preserved by state appointed attorneys, prejudicially,

which deprived him of a full-impartial bite at the apple.

plaintiff, motions for evidentiary hearing on the merits.

Notecullen v. pinholster, 131 S. Ct. 1388 (2011). plaintiff is permitted to have federal evidentiary hearing in circumstances, where state courts, have deprived secured rights, where plaintiff has exercised (due diligence). The statute only bars plaintiff's not pursuing their claims, see Lanigan, 550 U.S. at 473, 127 S.Ct. (1933) IF, he has not."

The Magistrate reports clearly illustrates, plaintiff has exercised due diligence pursuing lower court, remedy exhaustions, and adjudication on these issues; in numerous other rights, writs, motions, petitions, etc.

where plaintiff has shown the fact finding procedure employed by the state court was not [adequate] to afford a full and impartial "fair hearing" or there is a substantial allegation of newly discovered evidence).

Plaintiff objects to magistrate bar from suit by Heck v Humphrey, 512 U.S. 477, 487 (1994) because, He is not challenging or seeking about his conviction or sentence.

But, denial of fundamental access to lower court."

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Plaintiff, objects to magistrate  
not including all defendants  
in his cause of action,  
(1) insurance-fund  
and policy holder for  
defendants.

See Four(4) USM - 285 forms.

Plaintiff, motions ...  
for calling up of lower  
court records, preliminary  
injunction, for grant  
exhausting, on-unjudicated  
claims, by order in  
lower court, or  
order for writ of  
post conviction proceedings  
before this court, order,  
appointing counsel.  
It is so motioned.

K / Robert Graham Jr.  
Robert Graham Jr.  
430 Oakland Rd.  
Q3B-103 PDLZ  
SC 29 669

OCT 10, 2014

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# Certificate of Service

OCT 13 2014  
P.C. MAILROOM

I hereby declare that on Oct 13<sup>th</sup> 2014. I Robert Graham Jr. submitted motions, for writ of post-conviction proceedings, preliminary injunctions, appointment of counsel by order. objecting to magistrates (R-R-R) into Perry-C.I. mail-room staff, to the following person

clerk of court  
1) Robin Blume  
UNITED STATES DISTRICT  
COURT 300 East Washing -  
ton St, South Carolina  
Greenville, SC  
29601

Oct 13, 2014.

151 ~~Robert Graham Jr~~  
P. Graham Jr 179034  
430 Oakwood Rd  
Greenville SC